

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF RHODE ISLAND

IN RE: Gerald R. Galleshaw	:	
Debtor	:	
	:	
David C. Fraioli and New	:	Case No. 15-bk-11047
England Auto Center, Inc.	:	
Plaintiff	:	Chapter 7
	:	
v.	:	Ad Pro No. 15-ap-01023
	:	
Gerald R. Galleshaw	:	
Defendant	:	

ANSWER

Now comes the Defendant, Gerald R. Galleshaw, by and through his attorneys, and hereby answers the Complaint as follows:

Parties

1. Admitted.
2. Admitted.
3. Admitted.
4. Admitted.

Jurisdiction

5. Neither admitted nor denied as this paragraph makes legal assertions, otherwise denied.
6. Neither admitted nor denied as this paragraph makes legal assertions, otherwise denied.

General Allegations

7. Admitted.

8. Admitted.
9. Denied. The bylaws speak for themselves.
10. Denied.
11. Admitted.
12. Neither admitted nor denied, Defendant leaves Plaintiff to proof.
13. Admitted.
14. Admitted.
15. Admitted.
16. Admitted.
17. Admitted.
18. Denied
19. Denied.

Count I – Fraud

20. Defendant hereby incorporates his above responses as if fully set herein.
21. Allegations call for legal conclusions and are improper. Otherwise, denied.
22. Allegations call for legal conclusions and are improper. Otherwise, denied.
23. Allegations call for legal conclusions and are improper. Otherwise, denied.
24. Allegations call for legal conclusions and are improper. Otherwise, denied.
25. Allegations call for legal conclusions and are improper. Otherwise, denied.
26. Allegations call for legal conclusions and are improper. Otherwise, denied.

Count I – Embezzlement

27. Defendant hereby incorporates his above responses as if fully set herein.

28. Allegations call for legal conclusions and are improper. Otherwise, denied.
29. Allegations call for legal conclusions and are improper. Otherwise, denied.
30. Allegations call for legal conclusions and are improper. Otherwise, denied.
31. Allegations call for legal conclusions and are improper. Otherwise, denied.
32. Allegations call for legal conclusions and are improper. Otherwise, denied.
33. Allegations call for legal conclusions and are improper. Otherwise, denied.

Wherefore, Defendant hereby requests this honor able court deny and dismiss Plaintiffs claims for relief with prejudice, enter judgment in favor of the Defendant, award reasonable attorney fees to Defendant and further relief as it deems appropriate.

Affirmative Defenses

1. Plaintiffs' Complaint fails to state a claim for which relief can be granted.
2. Plaintiffs' have failed to join an indispensable party.
3. Plaintiffs' complaint is barred by doctrine of estoppels.
4. Defendant assets the affirmative defense of laches.
5. Plaintiffs' complaint is barred by the doctrine of waiver.
6. Plaintiffs' complaint is barred by unclean hands.
7. Defendant pleads failure of consideration as an affirmative defense.
8. Defendant pleads injury by a fellow servant as an affirmative defense.
9. Defendant pleads license as an affirmative defense.
10. Defendant pleads payment as an affirmative defense.

Date: September 14, 2015

Respectfully submitted,
Gerald R. Galleshaw, by and through
his attorney,

/s/ Todd S. Dion
Todd S. Dion (RI Bar # 6852)
Law Offices of Todd S. Dion
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North Providence, RI 02911
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CERTIFICATE OF SERVICE

I hereby certify that on September 14, 2015 copies of the above with this Certificate of Service, filed through the CM/ECF System, will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies shall be served by first class mail postage prepaid on the following affected parties:

Dr Tadeuz Sztykowski, Inc
191 Nashua Street
Providence, RI 02904

ELoan
4315 Pickett Road
St. Joseph, MO 64503

Ocwen Loan Servicing, LLC
1661 Worthington Road
West Palm Beach, FL 33409

Quality Distributors
2424 S 21st Street
Phoenix, AZ 85034

Amazon
PO Box 965015

Orlando, FL 32896

Citizens Bank
1 Citizens Drive
Riverside, RI 02915

Dept of Ed
PO Box 9635
Wilkes Barre, PA 18773

Khols
PO Box 3115
Milwaukee, WI 53201

JX Cos
PO Box 965005
Orlando, FL 32896

United Consumer Financial
865 Bassett Road
Westlake, OH 44145

Wells Fargo Dealer Services
PO Box 1697
Winterville, NC 28590

Woodlawn Credit Union
744 Main Street
Pawtucket, RI 02860

Gerard Cayer, CPA
931 Jefferson Boulevard
Warwick, RI 02888

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PO Box 53410
Bellevue, WA 98015

Benjamin Scuncio, Esq.
362 Broadway
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David Fraoli
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North Providence, RI 02904

Bilodeau Carden, LLC
51 Jefferson Boulevard
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Citicards/Citibank
PO Box 6241
Sioux Falls, SD 57117

/s/ Todd S. Dion